

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed October 31, 2008
Page 5 of 6

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 11 have been revised to include the feature of claim 7, with additional editorial revisions. Claim 7 has been canceled accordingly without prejudice. Claims 1-4, 6 and 9-11 remain pending in the application.

Claim Rejections – 35 USC § 102

Claim 11 is rejected under 35 USC § 102(b) as being clearly anticipated by Kroll et al. (US 4,763,660).

Claim 11 is also rejected under 35 USC § 102(b) as being clearly anticipated by Kornrumpf et al. (US 6,415,169).

Claim 11 is further rejected under 35 USC § 102(e) as being clearly anticipated by Istvan et al. (US 7,197,357).

Applicants respectfully traverse these rejections. Claim 11 has been revised to include the feature of claim 7, which was not included in the rejections. Applicants are not conceding the correctness of the rejections.

Claim Rejections – 35 USC § 103

Claims 1-4, 6, 7, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Kornrumpf et al. in view of Kroll et al. Applicants respectfully traverse this rejection. Claim 1 has been revised to include the feature of claim 7. Claim 7 has been canceled accordingly without prejudice. Applicants are not conceding the correctness of the rejection.

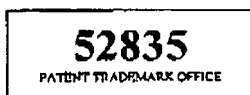
Claim 1 requires that a ratio of a whole width of a base material film that constitutes a part of a wiring with respect to a whole width of an electrode base material film be within a range of 0.8 to 1.5. This allows effective use of the raw material when the wiring base material film and the electrode base material film are made by cutting the same raw material. As a result, the manufacturing cost of the body-worn electrode apparatus can be reduced (see, e.g., the first full paragraph on page 13 of the specification, among other places). On the other hand, the range of 0.8 to 1.5 allows the wiring to maintain its flexibility in length so that the length of the wiring can be adjusted depending on the size of a human body.

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed October 31, 2008
Page 6 of 6

The present references fail to teach or suggest the arrangement required by claim 1. Instead, the whole widths of electrodes RA, LA, RL, LL and V1-V6 in Kornrumpf et al. (see Kornrumpf et al., Fig. 1) or electrodes 33, 35 in Kroll et al. (see Kroll et al., Fig. 4) appear to be much smaller than the whole widths of a base material film of their respective wiring. The present record fails to provide any teachings that would lead one of ordinary skill to modify either Kornrumpf et al. or Kroll et al. to require that a ratio of a whole width of a base material film that constitutes a part of a wiring with respect to a whole width of an electrode base material film be within a range of 0.8 to 1.5, much less any reason to expect the effective use of the raw material which is used for manufacturing the base material film for both the wiring and electrode enjoyed by the present invention could be achieved.

For at least these reasons, claim 1 is patentable over Kornrumpf et al. in view of Kroll et al. Claims 2-4, 6 and 9-10 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

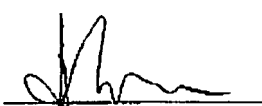
In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Registration No. 30,300, at (612) 455-3804.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: January 23, 2008

By: 
Douglas P. Mueller
Reg. No. 30,300

DPM/cy